

Upon information and belief, the subject incident actually occurred on June 29, 2021.

4.

I was not the Store Manager for the Store at any time during March 2021 or June 2021.

5.

Upon information and belief, I was the store manager at the Store from around December 2017 to February 2021.

6.

I did not witness Plaintiff's incident and I was not in the Store where Plaintiff's incident occurred when it occurred.

7.

I have never personally owned or leased the Store. I have only been previously employed as a Walmart manager in the Store performing specific job duties. I have never agreed to accept complete control or custody of the Store.

8.

I have never had legal authority to sign any lease for the premises where the Store operates.

9.

I have never had any individual or personal right of possession to the premises of the Store.

10.

I have never personally employed anyone who has worked on the premises of the Store. I have never been personally responsible for the payment of any wages or salary to anyone employed at the Store.

11.

I did not create the policies, procedures, and training materials used by Walmart as part of its efforts to inspect and maintain the Store in March 2021 or June 2021.

12.

I have never been personally in charge of or personally responsible for performing any repair or maintenance services for the Store.

13.

I have never agreed to assume or in any way undertaken personal liability for the payment of any property taxes, or any other taxes, upon the Store.

14.

I have never assumed or undertaken any liability for or been personally responsible for any business license fees or other governmental fees required for the operation of the Store.

15.

I have never determined the hours of operation for the Store.

16.

I have never agreed to accept any personal legal duty to Plaintiff Duncan.

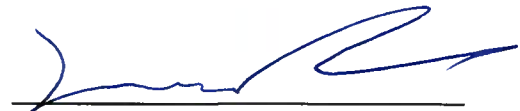
17.

I did not have any constructive or actual knowledge of any alleged hazardous conditions in the store on the date of the incident as I was not employed at the Store when the incident occurred.

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I state, declare and affirm that the foregoing facts set forth in this Declaration are true and correct.

Signed on this 22nd day of February, 2023.


James Provost